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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/820,282	04/08/2004		Timothy M. Price	1160215.0509519	8607	
26874	7590	07/27/2005		EXAMINER		
FROST BR 2200 PNC C		ODD, LLC	FOSTER, ROLAND G			
201 E. FIFT		T		ART UNIT PAPER NUMBER		
CINCINNA	TI, OH	45202 2645			-	
				DATE MAILED: 07/27/2003	DATE MAILED: 07/27/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

47	Application No. Applicant(s)						
Supplemental	10/820,282	PRICE, TIMOTHY M.					
Notice of Allowability	Examiner	Art Unit					
	Roland G. Foster	2645					
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to and MPEP 1308.	olication. If not include will be mailed in due withdrawal from issu	ed course. <b>THIS</b>				
1. This communication is responsive to the amendment, filed	on 1/31/05 and the terminal disclair	<u>ner, filed on 6/7/05</u> .					
2. ☑ The allowed claim(s) is/are <u>1-18 (were 25-42)</u> .							
3. X The drawings filed on <u>08 April 2004</u> are accepted by the Ex	kaminer.						
<ul> <li>4. Acknowledgment is made of a claim for foreign priority una a) All b) Some* c) None of the: <ol> <li>Certified copies of the priority documents have</li> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority documents have</li> <li>International Bureau (PCT Rule 17.2(a)).</li> </ol> </li> <li>* Certified copies not received:</li> </ul> Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	been received.  been received in Application No cuments have been received in this of	national stage applica					
5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.							
<ul> <li>6. CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.</li> <li>(a) including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached</li> <li>1) hereto or 2) to Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date</li> <li>Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).</li> <li>7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</li> </ul>							
<ul> <li>Attachment(s)</li> <li>1. ☑ Notice of References Cited (PTO-892)</li> <li>2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date</li></ul>	5. ☐ Notice of Informal P 6. ☐ Interview Summary Paper No./Mail Dat 7. ☐ Examiner's Amendr 8. ☑ Examiner's Stateme 9. ☐ Other	(PTO-413), te nent/Comment					

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## **DETAILED ACTION**

## Allowable Subject Matter

Claims 25-42 are allowed.

## Examiner's Reasons for Allowance

The following examiner's reasons for allowance supercedes the examiner's previous reasons for allowance, set forth in the Office action, mailed on March 03, 2005.

Upon further consideration, the claims of the instant application fail to patentably distinguish over the claims of the parent application 09/656,026 (issued as U.S. Patent No. 6,744,881). However, the applicant filed a terminal disclaimer on June 07, 2005 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent No. 6,744,881. The terminal disclaimer has been reviewed, accepted, and recorded, thus avoiding any double patenting issues with the parent application.

See the examiner's reasons for allowance, as set forth in the parent application 09/656,026 (issued at U.S. Patent No. 6,744,881) for further reasons regarding the examiner's reasons for allowance, except for the following issue. In the instant claims, applicant as expressly recited a feature where certain steps are repeated so that the operator places a series of telephone calls to a plurality of customers (e.g., see the claim 1 limitation "c) repeat (a) and (b) to allow the operator to place a series of telephone calls to a plurality of customers"). This feature was not recited in the parent application. Thus, the instant claims are not limited in scope to a

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first and second call as was discussed in the parent application. However, the limitation corresponding to step (a) requires a telephone call be placed to a customer using a telephone line while the limitation corresponding to step (b) requires a new telephone call be placed to a new customer using a new telephone line. Thus, as the two repetitions specified in limitation (c) are performed, every first repetition (e.g., the first, third, fifth, and seventh calls, etc.) flexibly encompasses calls to new or existing customers and calls using new or existing telephone lines. In contrast, the second repetition (e.g., the second, fourth, sixth, and eighth calls) is expressly limited to a new telephone call to a new customer using a new telephone line.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

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Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Roland G. Foster whose telephone number is (571) 272-7538.

The examiner can normally be reached on Mon to Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306. On July 15,

2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is

the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Primary Patent Examiner** 

July 11, 2005